

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 588 OF 2006

Sou. Tarabai Harishchandra
Nalawade

.. Petitioner

Vs.

Nandadeep Education Society
and two ors.

.. Respondents

Mr. S.N. Chandrachud for the petitioner.
Mr. Kiran Bapat with Mr. Avinash Fatangare for
respondent nos.1 and 2..

CORAM: B.H. MARLAPALLE, J.

Date : July 10, 2006.

P.C.:

1. Heard Mr. Chandrachud the learned counsel for the petitioner who has aggrieved by the rejection of her Appeal No.28 of 2005 by the School Tribunal, Pune Region, Pune vide Judgment and Order dated 11/11/2005.

2. She had claimed that she was orally stopped from attending duty from 12/3/2005 after putting in about 10 years of continuous service and, therefore, she had become a permanent employee and could not have been removed unless the disciplinary proceedings were

initiated against her. She claimed that she was appointed as a Peon on 15/3/1995 in a clear and permanent vacancy by the respondent no.1-society in its primary school which is an aided school (respondent no.2).

3. The Management appeared before the School Tribunal and by its reply pointed out that the petitioner was appointed intermittently on temporary basis as a Peon as and when required and there was no appointment order issued. To prove her case, the petitioner could not produce the copy of the appointment order but she did produce muster-roll copies for the years 2000, 2003 and 2004 at Exhs.6/1, 2 and 3. She also placed on record copies of pay-sheets at Exhs.23/1 and 2. The learned Presiding Officer on perusal of these five documents noted that none of them could prove that the petitioner had continuously worked for 10 years. On the other hand, the Management placed on record documents at Exhs.9/1 to 6 and at Exh.21/1 to substantiate its case that the petitioner was employed on temporary basis and intermittently.

4. Appointments in an aided school in permanent post are required to be made by following the procedure set out in the MEPS Rules 1981 and after said appointments are made, they are required to be approved by the Education Officer. The conclusions drawn by the School Tribunal that the petitioner was a temporary employee and she could not prove that she was employed in a permanent post and worked for 10 years continuously do not call for any interference in this petition under Article 227 of the Constitution.

5. Hence, the petition fails at the threshold and the same is hereby rejected.

(B.H. Marlapalle, J.)